



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000053903	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/009521	International filing date (day/month/year) 28 August 2003 (28.08.2003)	Priority date (day/month/year) 04 September 2002 (04.09.2002)
International Patent Classification (IPC) or national classification and IPC C08J 9/12		
Applicant BASF AKTIENGESELLSCHAFT		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 21 January 2004 (21.01.2004)	Date of completion of this report 11 January 2005 (11.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/009521

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-6 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-10 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/09521

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations

Novelty and inventive step: EP-A-0 915 127 (D2) describes the extrusion of a polystyrene melt containing 2% graphite, to which a propellant mixture consisting of n-pentane and i-pentane is added. The homogenised mixture is pressed through a perforated plate at approximately 180°C and fed in a conventional manner to the cooling water of an underwater granulator, i.e. fed to a cooling stage that takes place under reduced pressure (atmospheric pressure) before being granulated by means of a rotating blade to form foamed particles (see paragraph [0044]). A comparable procedure is also disclosed in WO98/51735 (D3).

The distinguishing feature in relation to the prior art in D2 or D3 is the propellant, which according to the application contains water and an adsorbent or solubiliser.

US-5 317 033 (D1) also describes the extrusion of a bimodal polystyrene foamed material, the extrudate being extruded under reduced pressure and the propellant mixture added thereto containing water or a mixture of water and alcohol. In addition, an

adsorbent and a cell controlling agent are added to the melt (column 4, line 48 to column 5, line 55). In D1, 0.05 to 2 parts relative to the mixture of a water-adsorbing synthetic polymer is used as adsorbent and 0.01 to 5 parts talcum or calcium carbonate is used as cell controlling agent. According to example 1, the polystyrene melt and the additives (adsorbent and cell controlling agent) are kneaded in the extruder at 200°C and the aqueous propellant mixture is forced into the mass, which is then cooled to 110°C. The mass is then extruded under atmospheric pressure through a 2 mm slit, resulting in plates of 40 to 60 mm (thick) by foaming. This procedure is analogous to that of the present application, the only difference being that plates, not granules, are produced.

The underwater granulation, however, is known from D2 and D3 and therefore the subject matter of the claimed method must be considered obvious from the combination of documents D2 and D1 or D3 and D1. Consequently, claims 1 to 10 cannot be considered to involve an inventive step (PCT Article 33(3)).